

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GILBERT FLORES ARGUMANIZ,

Petitioner,

v.

**RICK THALER, Director
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Defendant.

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Civil Action No. 3:11-CV-0175-O-BK

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Recommendation of the United States Magistrate Judge filed on January 28, 2011 in accordance with 28 U.S.C. § 636(b)(1). *See* ECF No. 2. No objections have been filed. Petitioner Argumaniz filed a Motion for Authorization to File a Second 28 U.S.C. § 2254 Habeas Petition. *See* ECF No. 1. The Magistrate Judge recommends transferring Petitioner's case to the Fifth Circuit for ruling on petitioner's authorization to continue with a successive habeas petition. *See* ECF No. 2. After reviewing all relevant matters of record in this case, the Court finds that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Accordingly, for foregoing reasons the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the Magistrate Judge. It is therefore **ORDERED** that Petitioner Argumaniz's petition for writ of habeas corpus be transferred to the Fifth Circuit for certification.

SO ORDERED on this **2nd** day of **March, 2011**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE